

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**  
**IN AND FOR NEW CASTLE COUNTY**

STATE OF DELAWARE,	)	
	)	
v.	)	ID#: 0804024505
	)	
CHRISTOPHER WEHDE,	)	
	)	
Defendant.	)	

**ORDER**

**Upon Defendant's Motion for Appointment of Counsel under Superior Court  
Criminal Rule 61(e)(1) – GRANTED**

1. On January 21, 2009, instead of going to trial and facing a conviction that would likely have sent him to prison for the rest of his life, Wehde pleaded guilty to one count each of sexual solicitation of a child, fourth degree rape and conspiracy second degree. On March 13, 2009, Wehde was sentenced to 19 years at Level V: 15 years minimum mandatory for the rape, followed by 15 years suspended after four years with decreasing levels of probation for the rest.

2. Defendant challenged the sentence on direct appeal, but his conviction was affirmed.<sup>1</sup> Even before then, Wehde filed a motion for

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<sup>1</sup> *Wehde v. State*, 983 A.2d 82 (Del. 2009).

postconviction relief under Superior Court Criminal Rule 61.<sup>2</sup> Wehde's core claim is that he received ineffective assistance of counsel because his court-appointed lawyer was ultimately disbarred.

3. The motion was properly referred and after preliminary review, even taking the disbarment into account, it is difficult to see how Wehde can show prejudice.<sup>3</sup> As the court explained when it denied Defendant's post-plea motions on March 11, 2009, the case against Defendant was very strong and "as tough as the plea was, it probably spares Defendant from certain death in prison."<sup>4</sup> In other words, it appeared then and it still appears, that despite the lawyer's problems, he did right by Defendant.

4. The above notwithstanding, along with other ancillary motions, Defendant has asked for appointment of new counsel in connection with this motion for postconviction relief. Taking everything into consideration, including his prison sentence's length and his trial attorney's disbarment, the court will appoint new counsel to represent Defendant in this proceeding. A separate order to that effect will

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<sup>2</sup> Defendant has been diagnosed with emotional problems that probably account for his being a writ-writer. In any event, from the outset, Defendant has filed a steady barrage of letters, motions, writs, and so on. Thus, it is almost impossible to fully recap the case's procedural history.

<sup>3</sup> *Strickland v. Washington*, 466 U.S. 668, 688 (1984).

<sup>4</sup> *State v. Wehde*, 2009 WL 807474 at \*1 (Del. Super. Ct. March 11, 2009).

issue.

5. Meanwhile, having granted Defendant's motion for appointment of counsel, the court will consider further filings by Defendant, himself, as out-of-order, and the court will simply docket them. The court will neither acknowledge nor respond to anything submitted directly by Defendant now that the court is granting his request that someone else represent him.

For the foregoing reasons, Defendant's motion for appointment of counsel is **GRANTED**. Once named, counsel will have 60 days in which to review the record and report. Based on that report, the court will decide whether the State's response is necessary. Again, the court will docket but ignore any pleadings, of any nature, filed directly by Defendant. That includes Defendant's dissatisfaction with his newly appointed counsel.

**IT IS SO ORDERED.**

Date: August 26, 2011

/s/ Fred S. Silverman

Judge

oc: Prothonotary, Criminal Division  
pc: Renee L. Hrivnak, Deputy Attorney General  
Patrick J. Collins, Esquire  
Christopher Wehde, Defendant